Court No. 3

Writ Petition No. 304 (M/B) of 2003

Sri Vijay Yadav …… Petitioner

Vs.

State of Uttaranchal and others …… Respondents

…….

Hon. Irshad Hussain, J.
Hon. M.M. Ghildiyal, J.

Heard learned counsel for the petitioner and learned Chief Standing Counsel.

This is a petition by a student challenging the certificate of bonafide resident of Uttaranchal issued to the respondent no.4, who is also student of the same college and had been elected as President of the Students' Union.

The grievance of the petitioners is that the respondent no.4 does not belong to Uttaranchal. Therefore, he was wrongly issued bonafide resident certificate of Uttaranchal entitling him admission in the institution. Our attention was drawn to the Government order dated 20th November, 2001 contained in Annexure 3 to the writ petition. But, the contents of the Government order does not help the cause of the petitioner. Condition no.5 specifically lays down that the bonafide resident certificate will be required only in case where the percentage of the admission is fixed for resident of Uttaranchal in any other institution. Nothing has been shown that in the institution in which respondent no.4 has been admitted any specific percentage was fixed for the students, who are residents of Uttaranchal.

The petitioner has not come with the bonafide allegation and it appears that the petition has been filed merely because respondent no.4 having been elected as President of the Students' Union. Considering this, we do not propose to entertain the petition.

The petition is hereby dismissed.

(**Irshad Hussain, J.**) (**M.M. Ghildiyal, J.**)

Dt. 28.04.2003

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